

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
HABEEB AUDU,	:	
a/k/a "Dickson,"	:	S2 19 Cr. 462 (KPF)
	:	
Defendant.	:	
-----	x	

WHEREAS, on or about June 25, 2019, HABEEB AUDU, a/k/a "Dickson" (the "Defendant"), among others, was charged in seven counts of a nine-count Superseding Indictment, S2 19 Cr. 462 (KPF) (the "Indictment"), with wire and bank fraud conspiracy, in violation of Title 18, United States Code, Section 1349 (Count One); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A and 2 (Count Two); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Three); wire fraud conspiracy, in violation of Title 18, United States Code, Section 1349 (Count Four); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Counts Five and Six); and money laundering, in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and 2 (Count Seven);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Count Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real or personal, involved in the offense charged in Count Six of the Indictment, and any property traceable to such property;

WHEREAS, on or about December 3, 2021 the Defendant pled guilty to Count Six of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Six of the Indictment and agreed to forfeit

to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money equal to \$5,000 in United States currency, representing property involved in the offense charged in Count Six of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$5,000 in United States currency, representing the amount of property involved in the offense charged in Count Six of the Indictment; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count Six of the Indictment cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney DAMIAN WILLIAMS, United States Attorney, Assistant United States Attorney, Kiersten Ann Fletcher of counsel, and the Defendant, and his counsel, Donna R. Newman, Esq., that:

1. As a result of the offense charged in Count Six of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$5,000 in United States currency (the "Money Judgment"), representing the amount of property involved in the offense charged in Count Six of the Indictment, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, HABEEB AUDU a/k/a "Dickson", and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:


KIERSTEN ANN FLETCHER
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2238

12/3/21
DATE


HABEEB AUDU

By:


HABEEB AUDU

12/3/2021
DATE

By:


DONNA R. NEWMAN, ESQ.
Attorney for Defendant
20 Vesey St., Suite 400
New York, NY 10007

12/3/2021
DATE

SO ORDERED:


HONORABLE KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

3/1/2022
DATE